

## **Zoning Board of Appeals Meeting**

**Shannon McNichol, 13242 Broadway SBL #108.19-1-16**

**October 4, 2016**

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:15 pm.

**Present:** Michael DeWitt, Stephanie Bea Pautler, Brian Schumacher, Charlie Gaffney, Tom Kirszenstein, Chris Trapp, Joe Czechowski, Tom Rimbeck, Shannon Mc Nichol, Annette Kohl, Bill and Sam Kraus, Roger Neeland, Wendy and Steve Schlauback and Bruce Merle.

The purpose of this public hearing: There are two variances being addressed at this meeting.

#1) to allow off-street parking spaces to be installed at 8' wide by 18' long, which would be in contravention of 210-27F(1) of the Code of the Village of Alden which states off – street parking spaces must be a minimum of 10 feet wide by 20 feet long.

#2) to provide 2 off street parking spaces on the premises, which would be in contravention of 210F of the Code of the Village of Alden, which states that a minimum of 14 off street parking spaces are required.

At this point Chairman DeWitt opened the Public Hearing to the audience.

Shannon McNichol explained how she recently purchases the United Methodist Church on the corner of Emerson and Broadway to convert into a Snap Fitness. The purchase provided for two parking spaces (sized not up to code). The Planning Board/Village Board reviewed a proposal for additional parking spaces on the east side of the building, but ultimately rejected the proposal citing concerns for hazards it may pose to pedestrian and vehicular traffic. McNichol has tried to obtain off street parking by contacting the neighbors to the east and west, but both denied her request. Asked if she approached the bank or any other business, the reply was no. CEO Czechowski informed this board the county has been contacted, but had no comment. The site plan submitted to the Planning Board included paving the green area to the east to acquire 4 additional parking spots, but would lose the 2 street parking spaces. The Planning Board felt this was more of a distraction and safety issue, since it would require vehicle traffic across the sidewalk. This would leave no designed sidewalk on either side of the southern portion of Emerson.

Tom Rimbeck, 1531 Emerson, reiterated the fact that the previous function of the building was a church that was open one day a week for a couple of hours. The proposed business will be 24/7. McNichol explained she has three other Snap Fitness franchises and it is not an issue. Rimbeck - but that is in a plaza, not a residence.

Chairman DeWitt reminded those in attendance, the only issue before this board concern the amount of parking and the size of the parking spaces. Member Schumacher confirmed it is a business friendly village and we need to just address the two issues at hand.

McNichol would rather not pave large eastern portion, as it is an additional expense. Suggested the board approve with one year review condition. Night participation is sparse, usually 1-2 cars, peak hours 9 am and 5 pm roughly 8 cars. Was informed of the winter parking ban. Clients use Fobs for entry and it is manned 24 hrs. /week in the summer and 36 hrs. /week in the winter. Will truck snow off of property.

**MOTION** by Brian Schumacher, seconded by Tom Kirszenstein to close the Public Hearing. Carried.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for the required number of parking spaces, from fourteen to two.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **Yes. Made an attempt to find alternative parking, but only approached two businesses. Could be achieved.**
3. Whether the requested area variance is substantial? **Yes, it is a large difference between 14 to 2 spaces.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No, the parking is the same as it was previous, when it was a church.**
5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessary preclude the granting of the area variance? **No, trying to revise an existing**
6. Whether it will create a hazard to health, safety or general welfare? **No, same as church.**

**4 no's and 2 yes's**, Chairman DeWitt feels since it is an empty building, would be an asset to the village.

**MOTION** by Brian Schumacher and seconded by Tom Kirszenstein, to grant the requested variance, Unanimous, Carried. 6:27 pm.

At this time Chairman DeWitt proceeded to review the six criteria for the requested area Variance for the size of the parking spaces, from 8' instead of 10', and 18'In length instead of 10'.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **Yes.**
3. Whether the requested area variance is substantial? **No, not a big change.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No.**
5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessary preclude the granting of the area variance? **No.**
6. Whether it will create a hazard to health, safety or general welfare? **No.**

**5 no's, 1 yes.**

**MOTION** by Brian Schumacher and seconded by Charlie Gaffney, to grant the requested variance, Unanimous, Carried. 6:29 pm.